

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**PHILIP W. SCHOFIELD,**

Plaintiff,

v.

**AMAZON LOGISTICS,**

Defendant.

Case No. 2:22-CV-03025

Judge Algenon L. Marbley

**RULE 26(f) REPORT**

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on August 15, 2022 and was attended by:

William O'Malley, counsel for plaintiff Philip Schofield,

Jennifer Orr, counsel for defendant Amazon Logistics, Inc. (Defendant has been incorrectly named as Amazon Logistics, Inc. The correct Defendant is Amazon.com Services LLC).

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

\_\_\_\_ Yes    X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

\_\_\_\_ Yes    X No    \_\_\_\_ The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by N/A.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

☐ Yes ☒ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by N/A.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by 9/15/2022.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

☐ Yes ☒ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

☐ Yes ☒ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by N/A; Reply brief to be filed by N/A.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand: Plaintiff alleges that he is a former employee of Defendant and asserts claims of age discrimination in violation of O.R.C. 4112.01, et seq. Defendant denies Plaintiff's allegations. Plaintiff has asserted a jury demand.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by 3/24/2023. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.
- b. Do the parties anticipate the production of ESI      Yes      X No
- c. Do the parties intend to seek a protective order or clawback agreement? Yes

If yes, such order or agreement shall be produced to the Court by 10/1/2022.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by 5/5/2023.
- b. Are the parties requesting expedited briefing on dispositive motions?
- Yes      X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by N/A; Reply brief to be filed by N/A.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced within 45 days of the Court's decision on summary judgment.
- b. Rebuttal expert reports must be produced within 45 days of service of the primary expert reports.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by October 1, 2022. Defendant will respond by October 15, 2022. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year: April 2023 (after discovery has closed, and before dispositive motions are due).

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

\_\_\_\_\_ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place \_\_\_\_\_ in chambers \_\_\_\_\_ by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration: The parties anticipate filing a stipulation to correct the name of the Defendant in this case to Amazon.com Services LLC.

Respectfully submitted,

/s/ William J. O'Malley (via email consent)

William J. O'Malley, Trial Attorney (0056091)  
4591 Indianola Avenue  
Columbus, Ohio 43214  
Telephone 614.262.8360  
Facsimile: 614.262.5732  
Email: [omalleywj@aol.com](mailto:omalleywj@aol.com)

*Attorney for Plaintiff*

/s/ Jennifer B. Orr

Jennifer B. Orr, Trial Attorney (0084145)  
LITTLER MENDELSON, P.C.  
127 Public Square, Suite 1600  
Cleveland, OH 44114  
Telephone: 216.696.7600  
Facsimile: 216.696.2038  
[jorr@littler.com](mailto:jorr@littler.com)

*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2022, the foregoing was filed electronically via the Court's CM/ECF. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ Jennifer B. Orr*

---

Jennifer B. Orr

*One of the Attorneys for Defendant*